IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO.1220 OF 1992

The New India Insurance Co.,
Sangli. Appellant
(Orig.R.No.3)

vs.

1. Mrs.Kamal Mohan Pawar,
Age: 28 yrs., occup: Household,

2. Suvarna Mohan Pawar,
Age 5 yrs., occup:

3. Sangita Mohan Pawar,
Age 2 yrs., occup:
(Legal guardian for minor
Respondents 2 & 3 is
respondent no.1)

4. Ishwara Bhau Pawar,
Age 60 yrs., occup:

5. Mrs.Akkatai Ishwara Pawar,
Age 54 yrs., occup:Household,

All R/o.Karoli, Taluka Miraj,
Dist.Sangli.

6. Ravindra Jagnnath Patil,
Age 25 yrs., occup: Agriculture
& driver.

7. Jagnnath Bhimrao Patil,
Age 55 yrs., occup: Agriculture.

Both R/o.Padmale, Taluka
MIraj, Dist.Sangli. Respondents
(No.1 to 5 - orig.
Applicants & Nos.6 & 7
orig.R.Nos. 1 & 2).

Ms.Urmila K. Sanil for the appellant.

CORAM : ANOOP V. MOHTA,J.

DATED : 18th July, 2007

ORAL JUDGMENT:

The Appellant-insurance company has challenged the grant of award dated 26.2.1990 passed by the Motor Accidents Claims Tribunal in Claim Petition No.148/1989, whereby the appellant was directed to pay Rs.25,000/- with interest under the "no fault liability" as provided under the Motor Vehicles Act, 1988.

2. The impugned order is dated 26.2.1990. The main claim petition is of the year 1990. As required, this amount of no fault liability even if deposited need to be adjusted in the final award. The Tribunal has already disposed of the main claim petition and adjusted this amount. Even otherwise, this amount is required to be adjusted while passing the final award.

3. Therefore, without observing anything on the merits of the matter and keeping all points open, I am not entertaining the present appeal. The facet of two parallel proceedings based on identical challenges is not permissible. All the points as raised in the present appeal must have been raised by the appellant before the Tribunal while contesting the matter on merits.

4. The present appeal is therefore dismissed with liberty. All points are kept open.

5. No costs.

[ANOOP V. MOHTA,J.]